

James Troutman & Associates, and Sync-Pop, Inc. and Motion Picture and Videotape Editors' Guild Local 776, International Alliance of Theatrical and Stage Employees.

Sync-Pop, Inc. and C. Dellinger and Susan Holzborn and Tom Whiting. Cases 31-CA-16176, 31-CA-16346, 31-CA-16462, 31-CA-16518, and 31-CA-16733

March 16, 1993

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND OVIATT

On July 27, 1990, the National Labor Relations Board issued a Decision and Order,¹ *inter alia*, ordering James Troutman & Associates (JT&A), and Sync-Pop, Inc. (the Respondents), to assume responsibility for and comply with the grievance arbitration awards dated November 12 and December 15, 1986, and May 14, 1987, adverse to JT&A, to arbitrate the grievance initiated on March 27, 1989, concerning Susan Holzborn, to make whole, with interest, the Board, IATSE, and Local 776 for expenses reasonably incurred by them in the investigation, preparation, presentation, and conduct of this and related proceedings, and to make whole, with interest, employees covered by the 1985-1988 basic agreement and the agreements incorporated therein and all successor agreements. On June 10, 1991, the United States Court of Appeals for the Ninth Circuit entered a judgment enforcing the Board's Order in full.

A controversy having arisen over the amounts due under the terms of the Board's order, on October 7, 1992, the Regional Director for Region 31 issued a third amended compliance specification and notice of hearing alleging the amounts due and notifying the Respondents that they should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the third amended compliance specification, the Respondents failed to file an answer.

By letter dated November 4, 1992, counsel for the General Counsel advised the Respondents that no answer to the third amended compliance specification had been received and that unless an appropriate answer was filed by the close of business on November 12, 1992, summary judgment would be sought. The Respondents filed no answer.

On February 17, 1993, the General Counsel filed a Motion for Summary Judgment with the Board. On February 19, 1993, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondents again filed no response. The allegations in

the motion and in the third amended compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondents shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondents, despite having been advised of the filing requirements, have failed to file an answer to the third amended compliance specification. In the absence of good cause for the Respondents' failure to file an answer, we deem the allegations in the third amended compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the amounts due are as stated in the third amended compliance specification and we will order the Respondents to pay said amounts.

ORDER

The National Labor Relations Board orders that the Respondents, James Troutman & Associates, and Sync-Pop, Inc., Burbank and Glendale, California, their officers, agents, successors, and assigns, shall make whole the individuals, organizations, and benefit funds named below, by paying them the amounts following their names, with interest as set forth in the Board's Decision and Order, minus, where appropriate, tax withholdings required by Federal and state laws:

Local 776	\$72,504.98
Arthur Ottinger	3,423.07
Daniel Mandell	9,030.25
IATSE and Local 776	23,957.64
	(for attorney fees and costs)
National Labor Relations Board	27,758.99
Motion Picture Industry Pension and Health Plans	9,207.23
	(plus liquidated damages of 1,841.45)
Contract Services Administration	
Trust Fund	146.34
	(plus liquidated damages of 29.27)

¹ 299 NLRB 120.